

U.S.S.N. 09/820,531

Filed: March 29, 2001

AMENDMENT AND RESPONSE TO OFFICE ACTION

Remarks

Claims 34-36, 38-40 and 42-46 are pending. Claim 34 has been amended. Claims 42-46 have been added. Claims 21-29 and 37 have been canceled (claims 1-21 and 30-33 were previously canceled).

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 21, 26-29, 34-36 and 38-40 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection to the extent that it is applied to claims 34-36 and 38-40, as amended.

Claims 21 and 26-29 have been canceled. Claim 34 has been amended to clarify the method, wherein gene expression is compared to expression of control genes from a library, cells or animal not exposed to the disease, age or exogenous agent. Support for the amendment to claim 34 can be found, for example, at page 19, lines 18-26. Support for new claims 42-46 can be found, for example, at claims 24, 27, 28, and 29 as originally filed.

Rejection Under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 21-29 were rejected under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a) as being anticipated by Heller *et al.* (1997).

Claims 21-29 have been canceled without prejudice solely to facilitate prosecution of this application. Applicant reserves the right to pursue these claims in a continuation application.

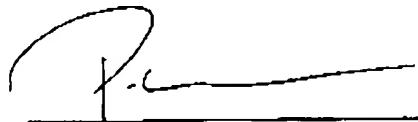
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Allowance of claims 34-36, 38-40, and 42-46 is respectfully solicited.

Respectfully submitted,



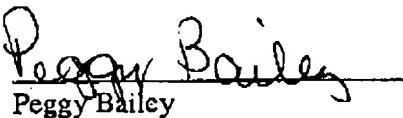
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Certificate of Facsimile Transmission

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, December 5, 2003, to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.


Peggy Bailey

Date: December 5, 2003

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